

BEST AVAILABLE COPY

DOCKET NO. 2002.04.003.WS0
U.S. SERIAL NO. 10/080,889
PATENT

REMARKS

Claims 1-30 were originally filed in the present application.

Claims 1-30 are pending in the present application.

Claims 1-30 were rejected in the October 4, 2005 Office Action.

No claims have been allowed.

Claims 1, 6, 11, 16, 21 and 26 are amended herein

Claims 1-30 remain in the present application.

Reconsideration of the claims is respectfully requested.

In Section 4 of the October 4, 2005 Office Action, the Examiner rejected Claims 1, 3, 6, 8, 16, 18, 21 and 23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,115,608 to *Duran et al.* (hereafter, "*Duran*") in view of U.S. Patent No. 5,627,830 to *Kotzin* (hereafter, "*Kotzin*").

In Section 5 of the October 4, 2005 Office Action, the Examiner rejected Claims 2, 7, 17 and 22 under 35 U.S.C. §103(a) as being unpatentable over the *Duran* reference in view of the *Kotzin* reference and further in view of U.S. Patent No. 6,112,088 to *Haartsen* (hereafter, "*Haartsen*").

In Section 6 of the October 4, 2005 Office Action, the Examiner rejected Claims 4, 5, 9, 10, 19, 20, 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over the *Duran* reference in view of the *Kotzin* reference and further in view of U.S. Patent Application Serial No. 10/034,234 (Pub. No. US2003/0123479) to *Lee et al.* (hereafter, "*Lee*").

BEST AVAILABLE COPY

DOCKET NO. 2002.04.003.WS0
U.S. SERIAL NO. 10/080,889
PATENT

In Section 7 of the October 4, 2005 Office Action, the Examiner rejected Claims 11, 12, 13, 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over the *Duran* reference in view of the *Kotzin* reference and further in view of the *Haartsen* reference.

In Section 8 of the October 4, 2005 Office Action, the Examiner rejected Claims 14, 15, 29 and 30 under 35 U.S.C. §103(a) as being unpatentable over the *Raffel*, *Kotzin* and *Haartsen* references in view of the *Lee* reference. The Applicant believes that the Examiner mistakenly relied on the *Raffel* reference, rather than the *Duran* reference in rejecting Claims 14, 15, 29 and 30. For example, it is noted Claims 14 and 15 depend from Claim 11, which was rejected based on the *Duran*, *Kotzin* and *Haartsen* references. To correct this oversight, the Applicants will therefore assume that the Examiner intended to reject Claims 14, 15, 29 and 30 based on the *Duran*, *Kotzin* and *Haartsen* references in view of the *Lee* reference. However, if this assumption is incorrect, the Applicants reserve the right to argue in a future reply to an Office Action against the combination of the *Raffel*, *Kotzin* and *Haartsen* references in view of the *Lee* reference.

The Applicants respectfully direct the Examiner's attention to amended independent Claim 1, which contains the unique and non-obvious limitations emphasized below:

1. For use in a base transceiver station of a wireless communications system, an apparatus for supporting dual standards comprising:
 - a sectored antenna system for a coverage area; and
 - an omni antenna system for the coverage area, wherein the sectored antenna system is employed for wireless communications utilizing a first standard within the coverage area and the omni antenna system is employed for wireless communications utilizing a second standard within the coverage area.

BEST AVAILABLE COPY

DOCKET NO. 2002.04.003.WS0
U.S. SERIAL NO. 10/080,889
PATENT

The Applicants note that the above-referenced limitations are not disclosed, suggested or even hinted at in any one of the *Duran*, *Kotzin*, *Haartsen*, and *Lee* references, or in any combination of two or more of the *Duran*, *Kotzin*, *Haartsen*, and *Lee* references.

In rejecting Claim 1, the Examiner asserted that the *Duran* reference discloses a wireless communication system for supporting dual standards that utilizes a first standard within a coverage area and utilizes a second standard within the coverage area. In making this assertion, the Examiner relied on Figure 1 of the *Duran* reference and the related text at column 6, lines 32-26 and lines 41-43.

The Applicants respectfully submit that the *Duran* reference discloses two separate communication systems operating in two different signal formats, wherein a mobile station may be handed off from one communication system to the other. Specifically, the *Duran* reference discloses two base station controllers (26 and 28) that control five base transceiver stations (32, 34, 36, 48 and 50) operating under a first signal format (PCS 1900). The *Duran* reference further discloses a third base station controller (62) that controls three base transceiver stations (66, 70 and 76) operating under a second signal format (IS-661). The two communication systems are linked by a common mobile switching center (10) that manages the handoff from the PCS 1900 system to the IS-991 system, and vice versa.

Thus, the *Duran* reference does not disclose an apparatus for supporting dual standards for use in a base transceiver station of a wireless communications system, as recited in amended

BEST AVAILABLE COPY

DOCKET NO. 2002.04.003.WSO
U.S. SERIAL NO. 10/080,889
PATENT

independent Claim 1. Moreover, the *Kotzin*, *Haartsen*, and *Lee* references do nothing to overcome this shortcoming of the *Duran* reference.

This being the case, Claim 1 recites unique and non-obvious limitations that are patentable over the *Duran*, *Kotzin*, *Haartsen*, and *Lee* references. Furthermore, dependent Claims 2-5, which depend from Claim 1, contain all of the unique and non-obvious limitations that are recited in Claim 1. Therefore, dependent Claims 2-5 are also patentable over the *Duran*, *Kotzin*, *Haartsen*, and *Lee* references.

The Applicants note that amended independent Claims 6, 11, 16, 21 and 26 recite limitations that are analogous to the unique and non-obvious limitations recited in Claim 1. Thus, amended independent Claims 6, 11, 16, 21 and 26 are patentable over the cited prior art references. Finally, dependent Claims 7-10, dependent Claims 12-15, dependent Claims 17-20, dependent Claims 22-25 and dependent Claims 27-30, which depend from independent Claims 6, 11, 16, 21 and 26, respectively, contain all of the unique and non-obvious limitations that are recited in independent Claims 6, 11, 16, 21 and 26. As such, dependent Claims 7-10, 12-15, 17-20, 22-25 and 27-30 are also patentable over the *Duran*, *Kotzin*, *Haartsen*, and *Lee* references.

BEST AVAILABLE COPY

DOCKET NO. 2002.04.003.WSO
U.S. SERIAL NO. 10/080,889
PATENT

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at jmockler@davismunck.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

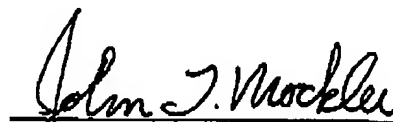
Respectfully submitted,

DAVIS MUNCK, P.C.

Date:

30 Nov. 2005

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: jmockler@davismunck.com



John T. Mockler
Registration No. 39,775